

Agenda Item No: 8 **Report No:** 145/16

Report Title: Response to Petition to Full Council Regarding Children's Play Facilities in Lewes

Report To: Scrutiny Committee **Date:** 8 November 2016

Cabinet Member: Councillor Andy Smith

Ward(s) Affected: All Lewes Town wards

Report By: Max Woodford, Head of Regeneration & Investment

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Purpose of Report:

This report sets out a response to a petition received by Council on 11th May 2016. The petition requested that:

"A share of the Section 106 money that was allocated to the community in respect of the Phoenix development, Lewes, to be allocated in order to improve recreational opportunities for young people as they feel there is a lack of such facilities in the local area."

Officers Recommendation(s):

- 1 To note and agree the response to the petition as set out in this report.
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Reasons for Recommendations

- 1 The petition received 750 signatures, meaning it is required to be considered by Scrutiny Committee.

Information

2 Background

- 2.1** In May 2016 planning consent was issued by the South Downs National Park Authority (SDNPA), as Local Planning Authority, for a major regeneration scheme at North Street, Lewes (Ref: SDNP/15/01146/FUL). The planning consent was for 416 new homes, a mixture of commercial spaces and a new health centre as well as infrastructure necessary to deliver and maximise benefits from the scheme including new flood defences, a river walk and new

footbridge and new car parking. Lewes District Council and Santon North Street Ltd., the two major land owners in the North Street area, were the two applicants.

- 2.2** As with all large planning consents, a section 106 agreement was signed setting out certain obligations required from the developers. Part of the s.106 agreement relates to public open space and recreation and play space. It requires that prior to the Commencement of Phase 1 of the development a design and budget for carrying out works to the Pells recreation ground should be agreed and then the developer should undertake those works before the 200th dwelling is occupied. It also requires that prior to the Commencement of Phase 2 and Phase 3 of the development a design and budget for carrying out works to the Malling Fields recreation ground should be agreed and then the developer should undertake those works according to a timetable to be agreed.
- 2.3** The total financial value of the budgets for the works to the Pells recreation ground and the Malling Field recreation ground will be capped at £1,145,000. This will include lump sum payments for maintenance not exceeding 10% of the budget.
- 2.4** The final decision on agreeing the design and the budget of the works to the recreation grounds – and therefore what recreational opportunities are provided by the scheme – lies with the SDNPA as it is the Local Planning Authority. As such they are the body that is best placed to meet the petitioners' demands.
- 2.5** However, the section 106 agreement does set out a process by which community groups can input into the decision making on the recreational provision. It requires that a Landscape and Play Working Group is established and that the developers and the SDNPA meet and consult with that Landscape and Play Working Group on a regular basis whilst applications to discharge the requirements relating to the Malling Field and the Pells recreation works are prepared. The developers are required to take the consultation responses of the Landscape and Play Working Group into account when finalising the design and budget of those works and include an accompanying statement with submissions to the SDNPA describing the consultation, a summary of responses and the owner's response to them.
- 2.6** The Landscape and Play Working Group has already started to meet and has nominated Cllr Susan Murray as its chair in her role as Mayor of Lewes. Its membership includes community and neighbourhood groups, the town council and representatives from the SDNPA and LDC – including the parks team for LDC. This group is aware of the petition and will be working to ensure the correct allocation of resources for recreational facilities.
- 2.7** Beyond the legal requirements of the s.106 agreement, the development partners are also looking at how to accommodate and re-provide some youth and recreational facilities that had been housed in the flood blighted buildings on the existing Phoenix Industrial Estate. This includes the Skatehouse indoor skate park, Starfish children's music charity and the Dance Academy.
- 2.8** The Skatehouse are the most urgently in need of relocating as they were located in phase 1 of the development and have already had to move out to

ensure Santon North Street have vacant possession of their premises to begin demolition. However, Santon have offered storage and office space to the Skatehouse CIC team and the council has now agreed to provide them with a new purpose-built facility at Denton Island in Newhaven, subject to agreeing a business case. The Skatehouse's records show that they draw visitors from a wide area, and so proximity to good public transport is more important than being located in Lewes itself.

- 2.9** The council's Estates Team are working with both the Dance Academy and Starfish on options for their relocation, though these two providers are in less urgent need because they are in located in what will be later phases of the North Street development.

Financial Appraisal

- 3** All legal implications arising from this report have been considered at the relevant decision-making stage

Legal Implications

- 4** All legal implications arising from this report have been considered at the relevant decision-making stage

Risk Management Implications

- 5** All risk management implications arising from this report have been considered at the relevant decision-making stage

Equality Screening

- 6** All equalities implications arising from this report have been considered at the relevant decision-making stage .

Background Papers

- 7** The North Street Quarter Planning Consent Section 106 Agreement.

Appendices

- 8** None